

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Arthur D. Hale and Patricia J. Hale,)	C/A No. 4:08-cv-437-RBH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Saleeby and Cox, P.A. Law Firm;)	
Edward E. Saleeby, Jr.; James C. Cox, Jr.;)	
and Kernard E. Redmond,)	
)	
Defendants.)	
_____)	

Plaintiffs Arthur D. Hale and Patricia J. Hale, proceeding *pro se*, brought this action for legal malpractice. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02 this matter comes before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III. Based on his review of the record, the Magistrate Judge concluded that the case should be dismissed *without prejudice* and without issuance and service of process on the basis that the Court lacks subject matter jurisdiction over the case.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report and Recommendation, this Court is not required

to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Plaintiffs filed timely objections to the Magistrate's Report. However, these objections fail to establish that federal courts have subject matter jurisdiction over the case. Diversity of citizenship is not present since all parties are citizens of the state of South Carolina. Additionally, no federal question exists.

After carefully reviewing the Report, the plaintiffs' filings, pleadings, and applicable law, the Court adopts the Report and Recommendation of the Magistrate Judge, incorporates it herein, and overrules all objections. Therefore, the complaint is **DISMISSED** *without prejudice* and without issuance or service of process.

IT IS SO ORDERED.

May 14, 2009
Florence, SC

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge